

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-45 are presently active in this case. The present Amendment amends Claims 1-21 and adds new Claims 22-45.

The outstanding Office Action rejected Claims 1, 3,4, 6-9, 11, 12, 14-19 and 21 under 35 U.S.C. §103(a) as anticipated by Savage, III et al. (U.S. Patent Publication No.2001/0009014, herein referred as to "Savage"). Claims 2, 5, 10, 13 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Savage in view of Jong (U.S. Patent No. 6,173,250 B1).

First, Applicants wishes to thank the Examiner Lezak for the courtesy of an interview granted to Applicants' representative on March 9, 2005, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, she would reconsider the outstanding grounds for rejection upon formal submission of a response.

To clarify Applicants' invention, Claims 1-21 are amended to better comply with U.S. claim drafting practice. Further, independent Claim 1 is amended to recite that two communication participants "communicate with each other by the spoken language in the communication round via a communication network without transmitting the data of the spoken language through the chat server"¹ and "managing said selecting and interconnecting by a chat server."² Independent Claim 12 is amended to further recite "wherein a data of the spoken language is transmitted through said at least one communication network."³ These

¹ Finds support for example in Applicants' Specification at page 2, lines 7-14, at page 4, lines 1-5 and at page 5, lines 16-26.

² Finds support for example in Applicants' Specification at page 4, lines 23-32.

³ Finds support for example in Applicants' Specification at page 4, lines 1-5 and at page 5, lines 16-26.

features find non-limiting support in the disclosure as originally filed, and therefore the changes are not believed to raise any questions on new matter.

To vary the scope of protection recited in the claims, new Claims 22-45 are added. New Claim 22 depends upon Claim 1 and recites "the communication network includes at least one of a GSM or a UMTS network."⁴ New Claim 23 depends upon Claim 1 and recites that the method further comprises "defining a new communication forum; and assigning the new communication forum to a designation by choosing a topic via a menu structure."⁵ New Claim 24 depends upon Claim 23 and recites "wherein said defining a new communication forum is performed by operating elements of the at least one communications terminal, the method further comprising: displaying the menu structure on a display of the at least one communications terminal."⁶ New Claim 25 depends upon Claim 1 and recites features regarding authorizing a communication participant to the communication forum.⁷ New Claim 26 depends upon Claim 25 and recites that "said personal access code is stored in said at least one communication terminal as a subscriber identification data."⁸ New Claim 27 depends upon Claim 12 and recites "the communication network includes at least one of a GSM or a UMTS network."⁹ New Claim 28 depends upon Claim 12 and recites features regarding the communication participants defining a new communication forum.¹⁰ New Claim 29 depends upon Claim 12 and recites features regarding the information in the table.¹¹ New Claim 30 depends upon Claim 12 and recites features regarding a personal access code.¹² New Claim 31 depends upon Claim 16 and recites that "an information on a

⁴ Finds support for example in Applicants' Specification at page 5, lines 20-26.

⁵ Finds support for example in Applicants' original Claim 3.

⁶ Finds support for example in Applicants' original Claim 4.

⁷ Finds support for example in Applicants' Specification at page 6, lines 26-33.

⁸ Finds support for example in Applicants' Specification at page 6, lines 30-33.

⁹ Finds support for example in Applicants' Specification at page 5, lines 20-26.

¹⁰ Finds support for example in Applicants' original Claim 14.

¹¹ Finds support for example in Applicants' Specification from page 4, line 33 to page 5, line 12.

¹² Finds support for example in Applicants' Specification at page 6, lines 23-33.

geographic location of at least one of the communication terminals is sent to the chat server.”¹³ New Claim 32 depends upon Claim 31 and recites that “the information the geographic location is determined by the communication terminals by at least one of a satellite-based position receiver or a terrestrial-based position receiver.”¹⁴ New Claim 33 depends upon Claim 13 and recites features regarding the transmission of the menu structure to the communication terminals.¹⁵

New independent Claim 34 recites features regarding a communication method comprising requesting access, verifying information and uploading a menu,¹⁶ and recites features regarding the communication method selecting a common communication forum, interconnecting terminals, using terminals to communicate with spoken language.¹⁷ New Claim 35 depends upon Claim 34 and recites “certifying a personal access code has to be entered by the at least one terminal.”¹⁸ New Claim 36 depends upon Claim 34 and recites features regarding the subscriber identification module.¹⁹ New Claim 37 depends upon Claim 36 and recites features regarding the geographic location of the terminal being an access condition to a forum.²⁰ New Claim 38 depends upon Claim 37 and recites “the geographic location of the at least one terminal is determined by a satellite-based positioning system.”²¹ New Claim 39 depends upon Claim 37 and recites “the geographic location of the at least one terminal is determined by a terrestrial receiver (TPS).”²² New Claim 40 depends upon Claim 34 and recites “the menu structure and data related to the menu is uploaded in an

¹³ Finds support for example in Applicants’ Specification at page 10, lines 24-33.

¹⁴ Finds support for example in Applicants’ Specification at page 10, lines 24-33.

¹⁵ Finds support for example in Applicants’ Specification at page 8, lines 31-34.

¹⁶ Finds support for example in Applicants’ Specification from page 7, line 9 to page 9, line 34.

¹⁷ Finds support for example in Applicants’ Specification at page 4, lines 1-16 and in original Claim 1.

¹⁸ Finds support for example in Applicants’ Specification at page 6, lines 23-33.

¹⁹ Finds support for example in Applicants’ Specification at page 6, lines 30-34.

²⁰ Finds support for example in Applicants’ Specification at page 6, lines 18-29.

²¹ Finds support for example in Applicants’ Specification at page 6, lines 27-29.

²² Finds support for example in Applicants’ Specification at page 6, lines 27-29.

applet via the network to the at least two terminals."²³ New Claim 41 depends upon Claim 34 and recites features regarding uploading the menu structure by SMS or USSD.²⁴ New Claim 42 depends upon Claim 34 and recites features regarding GSM or UMTS mobile phones.²⁵ New Claim 43 depends upon Claim 34 and recites features regarding the network.²⁶ New Claim 44 depends upon Claim 34 and recites features regarding sending information to the common forum.²⁷ New Claim 45 depends upon Claim 44 and recites different information on the common forum.²⁸

Since all the changes find support in the disclosure as originally filed, the changes to the claims are not believed to raise a question of new matter.²⁹

In response to the rejection of Claims 1, 3, 4, 6-9, 11, 12, 14-19 and 21 under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, independent Claim 1 relates to a communication method, including selecting a common communication forum with communication terminals and communication participants, the interconnecting of the terminals for a communication round via a network and transmitting a data of a *spoken language* through the network, and the using of the terminals for the communication participants to communicate with each other via the network. Further, independent Claim 12 relates to a chat server including a communication module configured to connect the chat server with a communication network; a table configured to store information about communication forums; and a command module configured to receive and execute commands from communication

²³ Finds support for example in Applicants' Specification at page 8, lines 31-34.

²⁴ Finds support for example in Applicants' Specification at page 8, lines 23-27.

²⁵ Finds support for example in Applicants' Specification at page 5, lines 20-26.

²⁶ Finds support for example in Applicants' Specification at page 5, lines 16-32.

²⁷ Finds support for example in Applicants' Specification at page 11, lines 4-13.

²⁸ Finds support for example in Applicants' Specification at page 11, lines 4-13.

²⁹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

participants, wherein the communication participants communicate with one another by communication terminals throughout the communication network and data of the spoken language is transmitted through the communication network.

As explained in Applicants' specification from page 1, line 29 to page 2, line 14 with corresponding Fig. 1, Applicants' invention improves upon background communication methods because participants can communicate with each other in a communication round by using terminals that are interconnected via a network, and a communication forum can be established with text-free rounds of communication. The claimed invention thus leads therefore to improved voice communication forums.

Turning now to the applied prior art, the Savage patent discloses a apparatus for providing high-quality real-time communications using a system that is scalable to many users, and which dynamically allocates system resources to create and maintain communication among clients.³⁰ Savage teaches a system including a plurality of media servers coupled to the network, each of which are used to facilitate at least one conference.³¹ Further, Savage teaches a system based on a network operation center with multiple servers, *each server to run one or more conferences*.³² The network operation center NOC 100 of Savage includes a dispatch server 102 and multiple media servers.³³

However, Savage fails to teach or suggest Applicants' claimed interconnecting the terminals for a communication round via a network and *transmitting a data of a spoken language through the network*. Servers running one or more conferences and transmitting and receiving audio and video data to clients,³⁴ as taught by Savage, *are not* terminals transmitting data to each other via a network. In the present invention the data is not

³⁰ See Savage in the Abstract and in paragraph 10.

³¹ See Savage at page 2, paragraph 17, lines 3-5.

³² See Savage at page 2, paragraph 11, lines 9-11.

³³ See Savage in Figure 1 and 15 and in paragraph 128.

³⁴ See Savage at page 5, paragraph 51, lines 22-26.

transmitted through the chat server. In Savage, the data transmitted to the clients is fed through a backbone 1504 to the media servers which are located in the network operation center NOC 100.³⁵

Further, Savage does not teach Applicants' *interconnecting of terminals via a network*, as also recited in Claim 1. Savage teaches that a request to join a conference is received from a client via the network. However, Savage teaches that the system determines whether the conference is currently being facilitated on one of the media servers and if the conference is facilitated on one of the media servers, the client is dispatched to this conference.³⁶ Savage additionally teaches that the media server establishes a channel to the client and adds the client to the requested conference.³⁷ Media servers establishing channels to a client, as taught by Savage, *are not* communication terminals interconnected via a network.

Applicants' independent Claim 12 recites a chat server in charge of all tasks concerning the establishment and administration of communication forums. The chat server includes control modules that can receive and execute commands from the participants. The data of the communication is not distributed over different servers, as taught by Savage.

Therefore, the prior art fails to teach or suggest every feature recited in Applicants' claims, so that Claims 1, 3,4, 6-9, 11, 12, 14-19 and 21 are patentably distinct over the prior art. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on the Savage patent.³⁸

³⁵ See Savage at page 5, from paragraph 51 to 53.

³⁶ See Savage in the Abstract.

³⁷ See Savage at page 2, paragraph 12, lines 21-25.

³⁸ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Further, the new Claims 22-45 teach features neither taught nor suggested by the applied references. In particular, independent Claim 34 with the dependent Claims 35-45 recite a communication method that is believed to be patentably distinct over the applied reference Savage, in view of the same arguments as cited above. Additionally, new independent Claim 34 recites new features fully supported by the Specification as originally filed to further distinguish over the applied reference. Claim 34 recites features regarding the verifying and authorizing communication participants if the access conditions are met and the uploading of a menu structure to the terminals. In Savage a client 108 initially connects with a web page 112 which is maintained by a customer of the NOC 100.³⁹ Therefore, the Savage system does not need the uploading of a menu structure to the terminals.

In response to the rejection of Claims 2, 5, 10, 13 and 20 under 35 U.S.C. §103(a), over Savage in view of Jong since the rejection of the independent Claims 1 and 12 is believed to be overcome, Applicants respectfully traverse the rejection and request reconsideration of the rejection of Claims 2, 5, 10, 13 and 20.

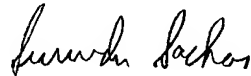
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-45 is earnestly solicited.

³⁹ See in Savage at page 4, paragraph 47, lines 4-9.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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